IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	0.4500407
Plaintiff,	8:15CR197
vs.	DETENTION ORDER
KIMBERLY HUPP,	
Defendant.	
A. Order For Detention After conducting a detention hearing p Reform Act on July 1, 2015, the Court o pursuant to 18 U.S.C. § 3142(e) and (i).	oursuant to 18 U.S.C. § 3142(f) of the Bail orders the above-named defendant detained
conditions will reasonably assure to X By clear and convincing evidence	
contained in the Pretrial Services Repor X (1) Nature and circumstances of X (a) The crime: the distrib § 841 carries a maxim (b) The offense is a crime (c) The offense involves a	the offense charged: ution of oxycodone in Violation of 21 U.S.C. num sentence of twenty years imprisonment. of violence.
may affect wh	nt appears to have a mental condition which nether the defendant will appear. In that no family ties in the area. In that no steady employment. In that no substantial financial resources. It is not a long time resident of the community of the defendant: In that a history relating to drug abuse. In that a history relating to alcohol abuse. In that a significant prior criminal record. In that a prior record of failure to appear at

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		Release pending trial, sentence, appeal or completion of sentence.
		(c) Other Factors:
		The defendant is an illegal alien and is subject to deportation.
		The defendant is a legal alien and will be subject to deportation if convicted.
		The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
Χ	(4)	The nature and seriousness of the danger posed by the defendant's
		release are as follows: The nature of the charges in the Indictment. The nature of the charges in the Indictment and the defendant's substance abuse and criminal history.
Х	(5)	Rebuttable Presumptions
	. (-)	In determining that the defendant should be detained, the Court also relied
		on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:
	Х	(a) That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves:
		(1) A crime of violence; or
		(2) An offense for which the maximum penalty is life imprisonment or death; or
		X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, <u>and</u> the defendant has a prior conviction for
		one of the crimes mentioned in (1) through (3) above
		which is less than five years old and which was
	Y	committed while the defendant was on pretrial release. (b) That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable
		cause to believe:
		X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
		(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 1, 2015. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge